

Notice of Allowability

Application No.

09/626,325

Examiner

Richard Ellis

Applicant(s)

YATES ET AL.

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.


1. ☒ This communication is responsive to decision on petition mailed January 17, 2006.
2. ☒ The allowed claim(s) is/are 1-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


RICHARD L. ELLIS
PRIMARY EXAMINER

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Pursuant to MPEP § 606.01, the title has been changed to read: --System for delivering exception raised in first architecture to operating system coded in second architecture in dual architecture CPU--.
3. This is in response to applicant's petition for review granted and mailed on January 17, 2006. This paper considers the claim language changes made to claims 31 and 38 in the amendment received May 2, 2005. Overlooking consideration of these changes in the prior office action was inadvertent.
4. The following is an Examiner's Statement of Reasons for Allowance: After consideration of the claim language changes made to claim 31 and 38 (the only remaining rejected independent claims) in the amendment of May 2, 2005, it has been determined that the applied reference to Hammond et al. does not teach the newly added claim limitations. Specifically, the new claim limitations state that an exception is raised while executing a thread of a program coded in a first instruction set architecture (claim 31 lines 2-3), this exception is then delivered to what the claim terms an "execution thread" for the purpose of "execution of a handler for the exception". The claim continues in specifically stating that "the handler's thread being distinct from the thread in which the program was executing", indicating a claimed distinction between the claimed "handler" and claimed "thread". The claim continues to state that the handler's thread is an execution thread under an operating system that is coded in instructions of a second instruction set architecture, and that the handler is a handler of this operating system coded in this second instruction set architecture. Therefore, as claimed, an exception in a program in a first instruction set architecture is delivered to a thread of an OS running under a second instruction set architecture, and this thread is responsible for execution of the handler, where the handler is part of the OS running under the second instruction set

architecture. In the Hammond et al. reference, however, as seen from col. 12 lines 56-62, the event handling units, which were equated to the generic "thread" in claims 31 and 38 as they stood before amendment, are implemented as hardware/firmware and not as operating system level threads as is now claimed in amended claims 31 and 38. Accordingly, Hammond et al's. event handling units, while being "threads" in a generic sense, are not "an execution thread under an operating system" as is now claimed.

It should be noted that because applicant's specification and applicant's amendment to the specification filed May 2, 2005 that attempts to define "thread" do not provide a definition with "reasonable clarity, deliberateness, and precision" so as to impart any special meaning to the word "thread". Accordingly, "thread" as used above and in the claims is taken to mean the broadest definition provided by the IEEE 100 dictionary submitted by applicant, namely that of: "a single sequential flow of control within a process". This definition is fully consistent with the definition previously supplied by the Microsoft corporation in the cited Microsoft dictionary. It should be noted that the introduction page from the IEEE 100 dictionary (not supplied by applicant, but attached hereto) indicates that the definitions provided therein are authoritative for use in understanding the meaning of terms in the published IEEE standards so that all engineers utilizing IEEE standards have a common knowledge of the meanings of the various terms used therein.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


5. In view of the papers filed September 30, 2005, it has been found that this nonprovisional application, as filed, through error and without any deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR § 1.48(a). The inventorship of this application has been changed by the addition of inventors Dale R. Jurich and Korbin S. Van Dyke..

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6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Richard Ellis whose telephone number is (571) 272-4165. The Examiner can normally be reached on Monday through Thursday from 7am to 5pm.
- If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eddie Chan, can be reached on (571) 272-4162. The fax phone number for the USPTO is: (703)872-9306.
- Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Richard Ellis
January 18, 2006



RICHARD L. ELLIS
PRIMARY EXAMINER